

IN THE MATTER OF The Treaty of Waitangi Act
1975

AND

IN THE MATTER OF Claims by HUHURERE
TUKUKINO and OTHERS
known as the HAURAKI
CLAIMS

**STATEMENT OF EVIDENCE OF JOHN HENRY TAMIHERE
ON BEHALF OF THE CLAIMANTS**

Introduction

1. My name is John Henry Tamihere, I am of Ngati Porou, Whakatohea and Hauraki Whanui descent. My Marae in the Hauraki are situated at Harataunga, Kennedy Bay, Rakairoa and at Mataora 10kms north of Waihi, between Waihi and Whangamata. Our Marae on this land was known as Te Rei O Tane. I have provided evidence on two other occasions to the Tribunal through the course of these hearings. I have been asked by counsel to provide a brief introduction and give an insight of the work presently being entertained and the vision and desires that we have for Ngati Porou and in the way in which we wish to work with Hauraki Whanui.

2. Counsel has already reserved time for Ngati Porou in the New Year and it is anticipated that we will need no longer than one day to place our documentation before the Tribunal in regard to Treaty breaches by the Crown. Suffice to say that our evidence will demonstrate our association with the Hauraki Whenua from the time of Paikia and Pawa, illustrious and eponymous ancestors of Ngati Porou. We will demonstrate by whakapapa the varied and many linkages that we have in Hauraki Whanui, culminating in the 1830's with a call by the paramount chief of Tamatera, Paora Te Putu, to his relations in Ngati Porou to support him in his battles with Nga Puhi. We will conclude our introduction by demonstrating Hauraki Whanui, is perhaps one of the greatest examples to all Maori as to the way in which Maori society continued to progress and develop dynamically. It is a wonderful matrix and tapestry of relationships based on Maori protocol and custom.
3. Under no circumstances were we feudal, under no circumstances did we have significant lines drawn on maps clearly declaring nobles rights over the rest of us. The evidence placed before you clearly demonstrates a delightful tapestry of relationships. A number of the different iwi, that make up Hauraki Whanui, could move freely and regularly amongst all the land holdings, amongst all the forestry and amongst all the fishery, solely on the basis of kinfolk relationships, in the first instance, followed by acts of reciprocity in terms of deeds freely provided as between kinfolk.

The Crown's breaches

4. There is no doubt that the Crown's breaches of the Treaty of Waitangi have torn away at the economic, cultural and political base of Maori in the Hauraki Whanui region.
5. These breaches are not just matters of history written on paper, they are not just matters to be talked about in terms of frustration and negativity. They have violated in the worst possible way the rights that Maori in the Hauraki Whanui had in participating in and developing and progressing in determining their own destiny.

6. We cannot be proud to know that tonight seven out of ten babies who are locked up in Youth Justice facilities will be Maori. We cannot be proud of the fact that over half the prison populations are Maori. We cannot continue to accept being first fired and last hired, and having one of the greatest unemployment rates in the nation. You cannot say that these basic measures of the performance of a people are because Maori in the Hauraki Whanui are genetically malfunctioned. We cannot say that our entire predicament to day is on the basis of poor leadership and of poor parenting attributed to a people without a vision and without a purpose.
7. Others have done wonderfully well in utilising our resources without acknowledging us, without valuing us and without respecting us. Whilst we are not proud of our predicament in our country, the country of our ancestors, our leadership has never stopped being proud of its people. We have huge latent potential, the resolution of these grievances placed before this Tribunal is only part of our never-ending story in commanding our rightful position in the development of our nation.
8. We as a people have never given up our struggle to free ourselves from being as we are today one of the worst performing state owned assets. We would have to be one of the most regulated communities of indigenous people in the world. This regulation, this bureaucracy has suppressed and oppressed our latent potential, and despite all of this we have worked and set forth with our own initiatives to improve our situation.
9. The biggest problem we have in pursuing this line of progress and development has been that the resources have never been there to fully support our endeavours. Many of us have been forced to treat the problem rather than to attack the causation of the problem and thereby solve it for good.

A developmental model

10. I have been blessed and privileged to work amongst Maori communities from the time I commenced my studies at university up to now. More particularly I have been privileged and blessed to work with Te Whanau o Waipareira Trust. Whilst Waipareira works

predominantly amongst Maori in the cities, the difficulties of Maori in the cities are absolutely no different to those back in the homelands.

11. The one thing that bonds all Maori today apart from whakapapa is our difficult position. Te Whanau o Waipareira Trust was set up as part of our drive toward embracing one another in a city environment. It was set up based on our Whakatauki laid down by our leadership 'Kokiritia I Roto I Te Kotahitanga'. We were born out of Hoani Waititi as our Matua Marae, we now have five Marae.
12. Our leadership came to the conclusion that we should rejoice in our tribal history and pedigree, we should not wallow in its differences, we could not continue to divide and rule ourselves because we were not doing right by our children and our grandchildren.
13. The obstacles in our way were many and continued to be many today. There can be no emancipation from our prison rates, from our failure rates, from our requirement for welfare services until Maori management of Maori matters has been achieved. For this to happen, our potential and the latent, bubbling, huge dynamic nature of it needs to be valued and respected for what it is. At this stage we have yet to win an equality of respect. Many things in a relationship are based on attitude and if people continue to treat you as a second class citizen or as a person that cannot take responsibility for your own actions, words and deeds, you never can.

Te Whanau O Waipareira Trust - A Community Development Model

14. These are merely observations on our part in terms of this paper and under no circumstances do we consider we have the definitive answers. What we do have is a clear vision, a clear plan and the passion and perseverance to apply ourselves to the task required to fulfill our plan.
15. Consequently we must be open to the huge range of relationships alluded to above and these must be carried out with integrity and credibility and above all, respect.

Elements that make up the Waipareira Plan

16. It is acknowledged that the programme, which will be outlined herein, has been predicated on a Strategic Plan and obviously Annual Business Plans reporting against the same.
17. The programmes presently being administered under the various headings by Te Whanau o Waipareira Trust are as follows:
 - i) Waitakere City Council relationship - this has been formalised with the set up in 1993 of Taumata Runanga. This group is appointed by the Maori community of Waitakere City and sits as a standing committee of the Council, vetting a range of matters that affect Maori. It is made up of the two ancestral tribal groups together with a large number of pan-Urban Maori groups.
 - ii) Education - Education Training and Support Agency Programmes (TOPS) 600 trainees.
 - iii) Parents as First Teachers Programme (PAFT) for 0-3 year olds and Parents, Early Childhood Development Unit. 12 Kohanga Reo (Language Nests) 3 Kura Kaupapa (Maori Primary Schools) 1 Whare Kura (Maori Secondary Schools). 375 families.
 - iv) Ministry of Education - running two alternative education units for youth who have been suspended and expelled several times or brought to the attention of the Youth Justice system. 150 children.
 - v) Special Education Service - Collaboration Agreement for support.
 - vi) Joint Ventures - Memorandums of Understanding with The Open Polytech of New Zealand, giving us access to their full smorgasbord. Memorandum of Understanding with the Auckland College of Education, allowing us to provide in

joint venture the Bachelor in Education Degree (Maori), Auckland Institute of Technology run Nutrition Programmes. Unitech, Community Health Programme.

- vii) We are coming close to a range of other joint venture agreements with Massey University Albany Campus. This has culminated in a major joint venture between Waitakere City Council and Waipareira to develop a full tertiary facility for the City. It is salutary to note that this is being facilitated on the basis of local requirements and needs, and in the face of a lack of Central Government support. Waipareira has invested over \$3million in this. We invest for long term gain.
- viii) We operate under the umbrella of the Trust a full Employment Service Centre by way of seconding across a full Employment Service Centre capability and have recently achieved a full WINZ office.

Health

- i) A comprehensive service from antenatal courses all the way through to child wellness, adolescent, adult and elderly support systems.
- ii) Provision of a comprehensive health system.
- iii) Joint ventures with Waitemata Health, Auckland Health, Pacific Island Health Fono and strategic commercial purchases in three clinics in our area together with 100% ownership of our own Clinic (12000 patients). With our strategic alliances (60000 patients).

Social Services

- 18. We provide the largest brace of services as a Social Services provider in the North West region of Auckland from youth residences, foster care, youth day programmes and the like.

19. We run a pilot Habilitation Centre to break down recidivism. We run a pilot diversion scheme in line with Police and complainant.
20. We have healthy relationships with the Police, Courts, and Corrections in our area.
21. We have healthy relationships with the school Trust Boards in the area, there are 72, 12 of them being Secondary schools.
22. We provide sponsorships to the Secondary schools, supporting a sports team of their choice with a vote of \$2000 per annum per school. Our logo is in every school auditorium.

Economic Development

23. We have a comprehensive business development unit which levers off our Employment Service training programme and community employment group relationship.
24. The Trust has invested heavily in property development in and for our region and we have just made a significant purchase to proceed to development in South Auckland, Manukau City.
25. We have our own security, labour hire, building companies.
26. Everything we do as disclosed above is business, which will continue to excite significant opportunity for us as a people.
27. The Trust balance sheet does not reflect one cent in handout money. Everything has been achieved through prudent management investment strategies and contract contestability. It does not include one cent of Treaty of Waitangi money.
28. We have just secured our own radio frequencies for communication purposes.

The End Result

29. We are still some way off obtaining a comprehensive integrated delivery service mechanism by way of caseload management.
30. By caseload management we mean a Family Management Plan.
31. It is right that duty, responsibility and obligation to one another in a community sense, is brought back down into the community rather than continually left to 12 - 15 different bureaucracies to continue to manage specific problems, when in effect a comprehensive and integrated approach to that family will be required.
32. Our Family Management Plan will not work, we believe, until we are given the right to contract deliver dole money and Income Support Services.
33. It is only when we get some budgetary common sense going in a number of families, where the fund goes directly to food, housing and power that we will be able to support the children from those families as we collect them into our comprehensive health wellness and education pathway plans.
34. We do not have the resources to change poor parenting but we do have the resources to access children to bridge that difficulty so that their window of opportunity is increased dramatically.
35. As a consequence we continue to invest in what we consider to be our Human Capital. It takes time for results here, nevertheless we are investing in a tertiary institute in Waitakere City and we will not invest in Casinos. We will not invest in pursuits that do not add medium to long term value to our people's ability to perform on merit.

Maori Issues

36. I thought it might be best to provide a structural solution to the problem of Maori performance.

37. There appears to be the need for the following propositions.

- a) Rather than waste money every five years on the Maori Option Election process it is far better to synchronize it with the five yearly census and place another box under the Maori/Iwi questions. By ticking that box one would elect to either go on the Maori Roll or not. It is a far better choice and format for a host of reasons.
- b) The services presently provided by the Ministry of Maori Development need to be downsized dramatically and the resources moved across to purchase the same outputs from Iwi based groups. This will help underpin the administrative and corporate overhead of these groups as well as recognise that they actually produce the outputs reported on by the present Ministry organisation. It will allow them to start to engage in local communication and opportunities.
- c) The Ministry of Maori Development needs to have the capacity to audit a number of Maori organisations. Under no circumstances should any form of programme, be it called a Treaty settlement or be it called a Contracted Out Service Programme, go to any Maori Trust Board or organisation that does not produce at the very least, annual audits. It must also be able to acknowledge and express some form or plan as to how it relates with its beneficiary base. There must be elections. People must be able to participate. There must be strategic plans, business plans and the like. Timelines should be placed on these Trust Boards and in the event that they have not remedied faults, contestability is the name of the game, and all the programmes and services that they control must be contestable.
- d) Having robust, clearly accountable organisations that can move on opportunity and demonstrate that they can do so is going to be extraordinarily important for us if we are to participate on merit and performance in the country.

- e) Treaty Settlements - now that we have the Reserve Bank Act, the Fiscal Responsibility Act, the Employment Contracts Act and a range of other fundamentals in place it is important that the balance sheet of the state recognise Treaty of Waitangi contingent liability. It must be acknowledged, it is yet to be quantified. It is acknowledged that the process will take some time.

Let us take this out of the political forum as best we can and ensure that the Finance Minister budgets for it annually just as he would for currency fluctuations over which he has no control. This fund could pass across to an organisation called the Maori Trustee. It is presently not well managed but nevertheless that is just a matter of personnel.

The Maori Trustee would be the stakeholder, the Waitangi Tribunal would then proceed to work through its issues and it could provide drawdowns for a new Treaty Settlement process.

We have valuation Tribunals and the like. It is important that pro rata payments are made to progress Maori per se. The Waitangi Tribunal cannot only validate and see merit, it can order drawdowns of funds subject to the final quantum being signed off by the Crown.

Our views of Local Authorities

38. It is important that local authorities advise ratepayers today and those coming tomorrow what likely increases in rates are going to be required to fund basic infrastructural activities and requirements that are necessary. This requires a basic attribute called honesty.
39. It is one thing to be able to sell shares in airports and divest oneself or a range of activities in pursuit of supplying infrastructural activity, but with respect it is incorrect in light of present evidence to say that this approach is right or fair for all communities.

40. The people that mastermind these things are invariably no longer around to provide the answers or the work required to fix up the significant aberrations that occur from these decisions.
41. The major infrastructural investment in this country came out of a cooperative and collective capacity. We did not have the resources or investment capacity from an upper class or a group of individuals. It is quite clear that we are in a special nation as are our communities.
42. As Central Government continues to downsize there will be greater emphasis and requirement for local authorities within local communities to take a greater facilitation role in a whole host of issues that some Council's consider to be totally outside their realm.
43. Obviously, scales of economy come into account and there is no doubt that some restructuring by way of divestment or addition across local authority lines to make them more prudent management structures will be required.

Conclusion

44. This manner of developing clearly demonstrates that we must aggressively attack service-related industries. Between 1987 and 1992, Maoridom lost 50,000 full-time jobs. The world has moved dramatically since then and as a consequence the service related industries that continue to practice taking responsibility, due to no obligation from us, need to be removed to the extent that we can start to get into some self-management programmes. On that basis we can then re-win the work ethics of our forefathers, we can reshape and refashion our view of the new horizons and the new eras in the new futures.
45. The main point about the development philosophy outlined above is that we are now entertaining the building of infrastructure. This is what economists would call Maori macro economic infrastructure. It will raise our heads and allow us to straighten our backbone and to walk with a new spring in our step. It will allow us for the first time to

have a structure in place that notwithstanding Treaty of Waitangi funds at least we will have a system and a structure upon which the cream on this cake can be layered. And that is all we see Waitangi Tribunal funds, the cream on the cake, they are not the substance of it, the relationships as between our people are actual and the huge substance of the cake.

46. At the end of the day I would implore our people from Hauraki Whanui that the greatest resource you have is sitting next to you, whilst we must continue to hold on to our Ngati Porou tanga to our Marutuahu tanga or whatever, at the end of the day we have more in common and we are allies. At the end of the day critical mass and the confederation of our powers is going to be essential to defend our very essence. The politics of divide and rule based solely on ego, avarice and greed must be shown for exactly what they are.
47. The ultimate sacrifice is to always serve our people and it is better to give than to take, we all have recent and first hand knowledge of this.